

1 305–6 (D. Nev. 1983); *Arrambide v. St. Mary's Hosp., Inc.*, 647 F.Supp. 1148, 1149 (D. Nev.
 2 1986)).

3 Because NRS 18.130 is disjunctive, a plaintiff must be either a resident of another
 4 jurisdiction or a “foreign corporation” for that statute to apply. Assuming without deciding that
 5 SFR may be considered a “plaintiff” in the present issue, this court approves of Judge Dorsey’s
 6 reasoning in *Ditech Financial, LLC v. Hollywood Highlands East Landscape Maintenance*
 7 *Association, Inc. et al.*, and adopts the same. 2016 WL 3751944 (D. Nev. July 13, 2016).

8 SFR, a limited liability company, is not a “foreign corporation” under Nevada law because
 9 the two classifications are distinct; NRS Chapter 86’s treatment of limited liability companies and
 10 NRS Chapter 80’s treatment of foreign corporations exemplify this divide.² *See Ditech Fin., LLC*,
 11 at *2 n.11 (citing *Weddell v. H2O, Inc.*, 271 P.3d 743, 748 (Nev. 2012)). Indeed, SFR’s submitted
 12 business records indicate that it is a Nevada “Domestic Limited-Liability Company.” (ECF No.
 29-2 at 2).

13 Next, BoA asserts “that the citizenship and residence of a limited liability company
 14 depends on the citizenship of all of its members rather than whether the company does business in
 15 a particular state.” (ECF No. 32 at 6) (quoting *Hunt v. Aurora Loan Serv., LLC*, 2011 WL
 16 2200811, *1 (June 6, 2011, D. Or.) (citing *Carden v. Arkoma Assoc.*, 494 U.S. 185, 195 (1990)).
 17 However, BoA’s offered binding authority, *Carden*, involves the federal diversity jurisdiction
 18 statute, 28 U.S.C. § 1332—not the meaning of “citizenship” and “residency” in Nevada’s statutory
 19 law. *See* 494 U.S. at 187; *see also Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir.
 20 2001) (noting the difference between “citizenship” and “residency” in the 28 U.S.C. § 1332
 21 diversity jurisdiction context); *Ditech Fin., LLC*, 2016 WL 3751944 at *2 n.12. Similarly, BoA
 22 has failed to discuss the meaning of “residence” within the context of Nevada law.

23 In light of this discussion, BoA has failed to persuade this court that NRS 18.130 applies
 24 to SFR in this case.

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² That NRS 86.051 defines “[f]oreign limited-liability company” while NRS 86.061 defines “limited-liability company” compounds this distinction.

1 Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff BoA's motion
3 for security of costs (ECF No. 18) be, and the same hereby is, DENIED.

4 DATED December 23, 2016.

5 
6 UNITED STATES DISTRICT JUDGE

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